THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.31681 of 1997

Dated 24-04-2007

Between:
Smt B.V.Ramani.

..... PETITIONERS

AND

The APSRTC, Musheerabad, Hyderabad & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.31681 of 1997

O R D E R:

Questioning the action of the respondents, in prescribing a minimum height of 153 cms for women candidates for appointment to the post of Conductor Grade-II, as arbitrary and discriminatory, the present writ petition is filed by a candidate whose height is said to be 152 cms. The basis of the challenge to this prescription of minimum height of 153 cms is that, in several other Government departments, the minimum height prescribed is lower than the height prescribed by the respondents, that such prescription takes away the right of many eligible women candidates to be considered for appointment to the said posts and that there is no reasonable nexus with the object sought to be achieved. Petitioner would contend that the respondent-Corporation had granted relaxation in several other cases.

In the counter affidavit, filed on behalf of the respondents, it is stated that the requirement of minimum height of a Conductor with reference to the heavy transport vehicle with its body build, had been studied, and in accordance with the Motor Vehicles Act, the minimum height of the roof of the passenger vehicle is 1500 mm and it may be upto a maximum height of 1900 mm. It is further stated that the gap between the roof and grabrail is 50 mm, that the conductor, while conducting the passenger vehicle and in the process of issuing tickets to passengers and attending to alighting passengers at various stages, should be able to move in the bus safely with the support of the grabrail, that persons having height of less than 153 cms. would not be able to have the required grip in holding the grabrail and that they also have to close the statistical returns. It is stated that in such circumstances it was considered just and proper

to have a minimum standard height of 153 cms.

No details are furnished in the affidavit as to the departments in which lesser height is prescribed. Even assuming that this contention has some basis, it is not for this Court to prescribe a particular minimum height for being considered for appointment as conductors. These are all matters for the Corporation to determine and not for this Court to adjudicate. It is only if such a prescription is held to be arbitrary, and in violation of Articles 14 and 16 of the Constitution of India, would there be any justification in interference. The aforesaid reasons given by the Corporation, in justification of prescription of a minimum height of 153 cms for being appointed as conductors in the respondent-Corporation, cannot be said to be arbitrary, discriminatory or in violation of Articles 14 and 16 of the Constitution of India. Even assuming that the Corporation had, in some other cases, granted relaxation, it does not confer any right on the petitioner to claim a similar benefit. In the absence of any rule being brought to the notice of this Court, which empowers the Corporation to grant relaxation, any relaxation granted in violation of the rules would be an illegality which cannot be sought to be perpetuated at the instance of the petitioner. I see no reason to hold that the prescription of a minimum height of 153 cms is arbitrary, discriminatory or in violation of Articles 14 and 16 of the Constitution of India.

The writ petition is accordingly dismissed. No order as to costs.

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24-04-2007

usd